IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 13 of 2003

Shri Ramchadnra Shankar Madhvi ..Appellant

V/s

The City and Industrial

Development Corpn Ltd .. Respondent

Shri A.S.Rao for Appellant

Shri G.S.Hegde for Respondent

CORAM:S.R.SATHE,J.

DATED:20th June 2005

P.C. :-

1. Heard the learned Advocate for the Appellant.

2. A suit for declaration and injunction was filed by the plaintiff against the CIDCO restraining them from taking any action for demolition of the suit structure, which is a temple of Mahalaxmi Goddess, in pursuance of the impugned notice dated 29-6-1993. The said suit has been dismissed by negativing all the allegations of the plaintiff and in particular that notice which was issued by CIDCO was legal and valid and the plaintiff had even failed to prove lawful possession of the suit premises.

3. Plaintiff failed to prove breach of his any substantial right. The first appellate court after considering all the evidence on record came to the conclusion that the plaintiff has failed to prove the possession as well as the alleged right. It was tried to be argued that the first appellate court did not allow the plaintiff to produce certain documents. However, from the perusal of the judgment, it appears that the plaintiff had failed to show good grounds for not producing the documents at the earlier stage or even at the appeal stage. So, there is nothing on record to indicate that finding recorded by the first appellate Court is perverse. There is no error of law. No substantial question of law is involved in the matter.

4. Hence the appeal is dismissed in limine.

(S.R.SATHE,J)